

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hitoshi NAKAJIMA, et al.

Application No.: 10/534,722

Filed: May 12, 2005

For: CATALYST FOR FUEL CELL AND
ELECTRODE USING THE SAME

Group Art Unit: Unknown

Examiner: Unknown

Commissioner for Patents

MAIL STOP PCT

RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed September 30, 2005.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☒ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document.

4. Small Entity Status

☐ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[Fee for Small Entity]
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input checked="" type="checkbox"/> two months	\$ 450.00	\$225.00
<input type="checkbox"/> three months	\$1,020.00	\$510.00
<input type="checkbox"/> four months	\$1,590.00	\$795.00
<input type="checkbox"/> five months	\$2,160.00	\$1,080.00

Extension of time fee due with this request: \$450.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, in the event applicant has inadvertently overlooked the need for a petition and fee for extension of time, applicant hereby petitions for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Assignment

- ☒ An assignment of the invention to NATIONAL INSTITUTE OF ADVANCED INDUSTRIAL SCIENCE AND TECHNOLOGY and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation

				Fee Code	
Basic Fee-\$790/\$395				\$	1001/2001
	Number Filed	Number Extra	at a Rate of (Lg./Sm.Entity)		
Total Claims	10 - 20 =	0	\$50/\$25 each=	\$	1202/2202
Independent Claims	1 - 3 =	0	\$200/\$100 each=	\$	1201/2201
Multiple dependent claim(s), if any			\$360/\$180	\$	1203/2203
SUB-TOTAL =				\$	
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$130.00	1051/2051
02/01/2005 MKAYPAGH 00000169 500310 10534722 01 FC:1252 Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))			\$120/\$60 (1 Month)		1251/2251
			\$450/\$225 (2 Months)		1252/2252
			\$1020/\$510 (3 Months)		1253/2253
			\$1590/\$795 (4 Months)		1254/2254
			\$2160/\$1080 (5 Months)	\$450.00	1255/2255
SUB-TOTAL =				\$580.00	
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$130.00	1053
Assignment Recordation Fee			\$ 40.00	\$40.00	8021
TOTAL FILING FEE =				\$750.00	

8. Fee Payment

- ☐ Enclosed is a check in the amount of \$_____ representing the total fee due.
- ☒ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

- ☒ Preliminary Amendment
- ☒ Submission of Replacement Drawings with 13 sheets of drawings
- ☐ Claim for Priority
- ☐ Certified copy(ies) of priority document(s): _____
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, 9 references as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Other: _____

02/01/2006 MKAYPAGH 00000089 500310 10534722

01 FC:1617 130.00 DA
02 FC:1618 130.00 DA

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP



Robert J. Goodell, Reg. No. 41,040

Date: January 30, 2006

CUSTOMER NO. 09629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001



UNITED STATES PATENT AND TRADEMARK OFFICE

Res'd CT/PTO 30 JAN 2006

Desire!

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/534,722	Hitoshi Nakajima	040894-7232

INTERNATIONAL APPLICATION NO.

PCT/JP03/14359

I.A. FILING DATE	PRIORITY DATE
11/12/2003	11/13/2002

9629
 MORGAN LEWIS & BOCKIUS LLP
 1111 PENNSYLVANIA AVENUE NW
 WASHINGTON, DC 20004

CONFIRMATION NO. 5604

371 FORMALITIES LETTER



OC000000017105590

Date Mailed: 09/30/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/12/2005
- Copy of the International Search Report filed on 05/12/2005
- U.S. Basic National Fees filed on 05/12/2005
- Priority Documents filed on 05/12/2005

Docketed 10/04/05 Attorney RJG
 Case 40894-7232
 Due Date November 30, 2005
 Action Missing Requirements Due
 By GD Chk for

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$260 for a Large Entity:

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MORGAN

- ~~\$130~~ Surcharge.
- \$130 for English translation surcharge required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/534,722	PCT/JP03/14359	040894-7232

PATENT
ATTORNEY DOCKET NO.: 040894-7232

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Hitoshi NAKAJIMA, et al.)	
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Application No.: 10/534,722)	Group Art Unit: Unassigned
)	
Filed: May 12, 2005)	Examiner: Unassigned
)	
For: CATALYST FOR FUEL CELL AND ELECTRODE)	
USING THE SAME)	

Commissioner for Patents
Alexandria, VA. 22313-1450
Sir:

SUBMISSION OF REPLACEMENT DRAWINGS

Filed herewith are Thirteen (13) sheets of replacement drawings containing Nineteen (19) figures to improve the form of the drawings. It is requested that these drawings be made official record in the above-identified patent application.

If there are any fees due in connection with the filing of these drawings, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



Robert J. Goodell
Reg. No. 41,040

Dated: January 30, 2006
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
202.739.3000